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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2012-427*

13 **MARY ANN STEINER**
14 **7 Iris Lane**
Menlo Park, CA 94025
Registered Nurse License No. 351250

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about January 1, 1982, the Board of Registered Nursing issued Registered
23 Nurse License Number 351250 to Mary Ann Steiner (Respondent). The Registered Nurse
24 License will expire on December 31, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
2 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license.

8 STATUTORY/REGULATORY PROVISIONS

9 6. Section 2761 of the Code states:

10 "The board may take disciplinary action against a certified or licensed nurse or deny an
11 application for a certificate or license for any of the following:

12 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

13

14 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
15 functions, and duties of a registered nurse, in which event the record of the conviction shall be
16 conclusive evidence thereof."

17 7. Section 2762 of the Code states:

18 "In addition to other acts constituting unprofessional conduct within the meaning of this
19 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
20 chapter to do any of the following:

21

22 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
23 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
24 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
25 himself or herself, any other person, or the public or to the extent that such use impairs his or her
26 ability to conduct with safety to the public the practice authorized by his or her license.

27 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
28 self-administration of any of the substances described in subdivisions (a) and (b) of this section,

1 or the possession of, or falsification of a record pertaining to, the substances described in
2 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
3 thereof.”

4 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
5 revoke a license on the ground that the licensee has been convicted of a crime substantially
6 related to the qualifications, functions, or duties of the business or profession for which the
7 license was issued.

8 9. California Code of Regulations, Title 16, section 1444 states, in pertinent part, that a
9 conviction or act shall be considered to be substantially related to the qualifications, functions or
10 duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness
11 of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

12 COST RECOVERY

13 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 FIRST CAUSE FOR DISCIPLINE

18 (Conviction of Crimes)

19 11. Respondent has subjected her license to disciplinary action under sections 2761,
20 subdivision (f) and 490, in that she was convicted of the following crimes that are substantially
21 related to the qualifications, functions, and duties of a registered nurse:

22 a. On or about February 3, 1993, in San Mateo County Superior Court, Case No.
23 NM232341A, entitled *People v. Steiner, Mary Ann*, Respondent was convicted on her plea of
24 nolo contendere to violating Vehicle Code section 20002, subdivision (A) (vehicle involved in
25 accident resulting in property damage).

26 b. On or about June 17, 2002, in San Mateo County Superior Court, Case No.
27 SM316634A, entitled *People v. Steiner, Mary Ann*, Respondent was convicted on her plea of nolo
28

1 contendere to violating Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol
2 content of .08% or higher).

3 c. On or about February 8, 2005 in San Mateo County Superior Court, Case No.
4 NM343769A, entitled *People v. Steiner, Mary Ann*, Respondent was convicted on her plea of
5 nolo contendere to violating Vehicle Code section 23152, subdivision (b) (driving with a blood
6 alcohol content of .08% or higher).

7 d. On or about December 23, 2004 in Alameda County Superior Court, Case No.
8 504215, entitled *People v. Steiner, Mary Ann*, Respondent was convicted on her plea of no
9 contest to violating Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol
10 content of .08% or higher).

11 e. On or about July 19, 2005, in San Mateo County Superior Court, Case No.
12 SC058848A, entitled *People v. Steiner, Mary Ann*, Respondent was convicted on her plea of nolo
13 contendere to violating Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol
14 content of .08% or higher).

15 f. On or about April 30, 2009, in Santa Clara County Superior Court, Case No.
16 EE906918, entitled *People v. Mary Ann Steiner*, Respondent was convicted by the court on her
17 plea of nolo contendere to violating Vehicle Code section 23152, subdivision (b) (driving with a
18 blood alcohol content of .08% or higher) and 23550.5, subdivision (A) (driving while license
19 suspended or revoked for driving under the influence conviction).

20 SECOND CAUSE FOR DISCIPLINE

21 (Unprofessional Conduct - Use of Alcohol)

22 12. Respondent has subjected her license to disciplinary action under section 2761,
23 subdivision (a), on the grounds of unprofessional conduct as defined in section 2762, subdivision
24 (b), as follows:

25 a. On or about June 17, 2008, while employed as a registered nurse for Maxim
26 Health Care Services, Respondent consumed wine or alcohol from a Perrier water bottle, during
27 her shift. Respondent was caring for a nine-year old developmentally disabled female patient
28 who required twenty-four hour skilled nursing care. Respondent misplaced her Perrier water

1 bottle and was unable to locate it before she left at the end of her shift. Relief staff located the
2 Perrier water bottle under a sofa cushion. The bottle contained wine or alcohol.

3 b. Respondent drove a vehicle while having alcohol in her system as set forth in
4 paragraph 11(b) – (f), above.

5 THIRD CAUSE FOR DISCIPLINE

6 (Offense Involving Alcohol Consumption)

7 13. Respondent has subjected her license to disciplinary action under section 2761,
8 subdivision (a), on the grounds of unprofessional conduct as defined in Code section 2762,
9 subdivision (c), by virtue of the convictions set forth in paragraph 11(b) – (f), above.

10 PRAYER

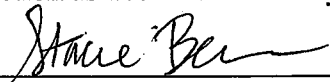
11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 351250, issued to Mary
14 Ann Steiner;

15 2. Ordering Mary Ann Steiner to pay the Board of Registered Nursing the reasonable
16 costs of the investigation and enforcement of this case, pursuant to Business and Professions
17 Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: 12/30/2011

20 *for* 
21 LOUISE R. BAILEY, M.ED., RN
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant

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